

**ENTERED**

December 21, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

CYNTHIA BANDA,

Plaintiff,

VS.

CITY OF MCALLEN, TEXAS,

Defendant.

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Civil Case No. 7:23-CV-00341

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the November 14, 2023 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 14). Judge Bray made findings and conclusions and recommended that Plaintiff’s Motion to Remand, (Dkt. No. 6), be denied. (Dkt. No. 14).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On December 15, 2023, Plaintiff filed her objections. (Dkt. No. 18). Plaintiff disagrees with Judge Bray’s findings and conclusions but does not point to any factual or legal errors warranting modification or reversal.

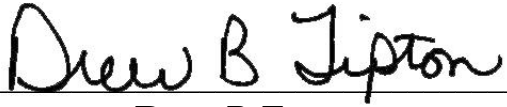
In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Bray's M&R (Dkt. No. 14) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff's Motion to Remand, (Dkt. No. 6), is **DENIED**.

It is SO ORDERED.

Signed on December 20, 2023.

  
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DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE